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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,546	10/24/2003	Takahito Ueno	03500.017670.	6895
5514	7590	06/24/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			BEATTY, ROBERT B	
			ART UNIT	PAPER NUMBER
			2852	

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/691,546

Applicant(s)

UENO ET AL.

**Examiner**

Robert Beatty

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-18 is/are allowed.
- 6) ☒ Claim(s) 19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. The abstract of the disclosure is objected to because the abstract appears to be too long. Correction is required. See MPEP § 608.01(b).

2. Claims 1-20 are objected to because of the following informalities:

in all the claims the applicant claims "reproducing" a process cartridge which is believed to be awkward terminology in this context. It is suggested that "reproducing" be changed to "refurbishing". Appropriate correction is required.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Higeta (U.S. 6,397,025) in view of Ryan (GB# 2,287,904) and Berns et al.

Higeta teach an apparatus and method of refilling a developing device comprising a process cartridge attachably/detachably to an image forming apparatus wherein the process cartridge comprises a developing device 12 and a photosensitive drum 7 and charge roller 8 attached to the developing device (see Fig.11). An opening 12a2 is located on the developing device and is used for refilling the developing device with toner after the parts of the process cartridge have been

replaced/refurbished. A cover cap (shutter) 32 is used to seal the opening (col.19 lines 43-47). Specifically, Higeta teach everything claimed except before refilling the developing device with toner, to evacuate the interior of the developing device.

Ryan teach a method and apparatus for refurbishing a process cartridge which includes disassembling all the part and vacuuming the parts to remove dirt and toner particles therefrom. Specifically, the toner reservoir is attached to a vacuum to remove residual toner from the interior (page 6, lines 15-22). Berns et al. teach a developing apparatus which has a port 150 which is used to fill the developing apparatus with toner and to connect to a vacuum to remove unwanted particles from the interior of the developing device (col.7,lines 17-28). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Higeta with the teachings of Ryan and Berns et al. such that the interior of the developing device would by evacuated by a vacuum before refilling the developing device with toner because unwanted residual toner and dirt can be removed.

4. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Higeta (U.S. 6,397,025) in view of Ryan (GB# 2,287,904) and Berns et al. as applied to claim 19 above, and further in view of Haines et al.

The combination of Higeta, Ryan and Haines taught supra discloses most of what is claimed except the process cartridge having a memory and antenna wherein

the memory will be replaced with different information upon refurbishment. Haines et al. teach a process cartridge having a memory element 36 and antenna 44 wherein the memory element stores initial information about the process cartridge. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include and replace a memory tag/antenna with the process cartridge of Higeta, Ryan and Bern et al. because parameters regarding the use of the process cartridge can be stored (col.3, lines 56-60) which aid in image formation and it is obvious that when refurbishes the entire process cartridge is similar to a new cartridge and therefore the memory needs to be updated or replaced with initial data again.

5. Claims 1-18 appear to be allowable over the prior art of record.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ban et al., Morinaga et al., Sekine, Higeta et al. ('209), and Sato et al. all are concerned with the refurbishment of toner containers/process cartridges.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Beatty whose telephone number is (571) 272-2130. The examiner can normally be reached on M-F from 9 to 6.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur Grimley, can be reached on (571) 272-2136. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.

A handwritten signature in black ink, appearing to read "Robert Beatty". The signature is fluid and cursive, with the first name "Robert" and last name "Beatty" clearly distinguishable.

Robert Beatty
Primary Examiner
Art Unit 2852

June 22, 2005